

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE**

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SNMP RESEARCH, INC. and SNMP	:	Case No. 3:20-cv-00451-CEA-DCP
RESEARCH INTERNATIONAL, INC.,	:	
	:	
Plaintiffs,	:	U.S. District Judge Charles E. Atchley
	:	
v.	:	
	:	
BROADCOM INC.; BROCADE	:	
COMMUNICATIONS SYSTEMS LLC; and	:	
EXTREME NETWORKS, INC.,	:	
	:	
Defendants.	:	
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DECLARATION OF MICHAEL J. FITZGERALD

I, Michael J. Fitzgerald, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am a Director of Product Management at Extreme Networks, Inc. (“Extreme”). I have personal knowledge of the facts set forth in this declaration and can and will testify thereto under oath if called to do so.

2. From December 2009 to July 2017, I was an employee of Avaya, Inc. (“Avaya”). At Avaya, I was a Product Manager in Avaya’s networking business with responsibilities for networking products, including Avaya’s router portfolio.

3. In July 2017, I became an employee of Extreme after Extreme acquired Avaya’s networking business.

4. While working at Avaya, I had several interactions with Richard Hamilton III, an in-house attorney in Avaya’s legal team. All my interactions with Mr. Hamilton were related to legal issues about Avaya’s networking business. Mr. Hamilton was responsible for providing legal

advice related to transfer of Avaya networking products inventory and software to Extreme due to the acquisition.

5. On or about July 7, 2017, in preparation for transfer of Avaya's networking business to Extreme, I wrote a memorandum related to Avaya's products, software, and litigations related to certain networking products. On July 7, 2017, I sent that memorandum via email to Matthew Roman, who would become my supervisor at Extreme after the acquisition closed. True and correct copies of the email (bearing Bates number EXTREME-01076296) and memorandum (bearing Bates number EXTREME-01076297 to EXTREME-01076303) are attached to my declaration as **Exhibit 1**.

6. I have reviewed an unredacted copy of an email chain bearing Bates number EXTREME-01079442 to EXTREME-01079447. I am copied on this email chain along with Mr. Hamilton. The email chain is about issues surrounding the transfer of certain Avaya networking products and software source code for those products to Extreme.

7. I have reviewed an unredacted copy of an email chain bearing Bates number EXTREME-01076396 to EXTREME-01076404. I was added to this email chain on July 12, 2017 by Mr. Hamilton. The email chain is about issues related to source code for Avaya's BOSS software. The BOSS software is a network operating system and was used on Avaya's networking products. The BOSS software and Avaya's networking products that used it were transferred to Extreme after it acquired Avaya's networking business.


8. I have reviewed an unredacted copy of an email chain bearing Bates number EXTREME-01076335 to EXTREME-01076345. I was added to this email chain on July 12, 2017 by Mr. Hamilton. The email chain is about issues related to source code for Avaya's BOSS and VOSS software. BOSS and VOSS are network operating systems and were used in several Avaya

networking products. The BOSS and VOSS software and Avaya's networking products that used them were transferred to Extreme after it acquired Avaya's networking business. Extreme currently uses the VOSS network operating system in its networking products.

9. I have reviewed an unredacted copy of an email chain bearing Bates number EXTREME-01077082 to EXTREME-01077091. I was added to this email chain on July 12, 2017 by Mr. Hamilton. The email chain is about issues related to source code for Avaya's BOSS software and ERS and WLAN products. The BOSS software is a network operating system and was used in Avaya's networking products, including the ERS series ethernet routing switches. The BOSS software and Avaya's networking products that used it were transferred to Extreme after it acquired Avaya's networking business. Extreme currently sells ERS products containing the BOSS software.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 11, 2024 in Acton, MA.

 3/11/2024

Michael J. Fitzgerald